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David Craig, Justin Henley,
and Daniel Mondragon*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JACOB SMITH,

Plaintiff,

vs.

CHARLES DANIELS, et al.,

Defendants.

Case No. 3:20-cv-00299-MMD-WGC

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR SUMMARY
JUDGMENT (FIRST REQUEST)**

Defendants, David Craig, Justin Henley, and Daniel Mondragon, by and through counsel, Nevada Attorney General, Aaron D. Ford, and Deputy Attorney General, Kayla D. Dorame, hereby move this Court for extension of time to file a Motion for Summary Judgment. This Motion is made and based upon Federal Rule of Civil Procedure 6(b)(1)(A) and LR 26-3.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

This is an inmate civil rights action brought by Plaintiff Jacob Smith (Smith) pursuant to 42 U.S.C. § 1983. On August 6, 2021, this Court entered a scheduling order. (ECF No. 14.) The discovery cut off was November 4, 2021, and the dispositive motions were to be filed by December 3, 2021. *Id.*

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II. ARGUMENT

Defense counsel respectfully requests a sixty (60) day extension of time to file their dispositive motions from the current deadline of **December 3, 2021**, until **February 1, 2022**. Defendants provide the following information in accordance with Local Rule 26-3.

A. Discovery Completed

No discovery has been propounded in any Defendants in this matter.

B. Discovery that Remains to be Completed

No additional discovery is needed in this matter.

C. Reasons Why the Deadlines Were Not Satisfied

Defense counsel suffers from a serious medical condition and requires daily treatment which has forced her to work an alternate work schedule. In addition, Defense counsel has a decent size case load and has had mediation statements due, other dispositive motions, in addition to other various filings. Finally, Smith has recently filed a motion for leave to amend his complaint. Given that Defendants have not responded to his motion and the Court has not ruled on it, an extension would be proper to save judicial resources and time. This extension will allow both parties to finish conducting discovery that is necessary should Smith's motion to file for leave to amend his complaint be granted.

Dispositive motion deadline:	December 3, 2021
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Joint pretrial order (if no dispositive motions filed):	January 3, 2022
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D. Proposed Deadlines

Dispositive motion deadline:	February 1, 2022
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Joint pretrial order (if no dispositive motions filed):	March 3, 2022
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E. Good Cause Supports this Request

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

This Court should find good cause supports this request. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendant's request is timely and will not hinder or prejudice Smith's case. Allowing additional time will allow the parties to have a clearer understanding on the evidence obtained. The requested extension should permit the Defendants to file a well-researched and proper dispositive motion in this case.

III. CONCLUSION

Defendants request this Court extend the deadline for dispositive motions in this matter. Defendants assert that the requisite good cause is present to warrant the requested extension of time. The request is timely. Therefore, the Defendants request additional time, up until **February 1, 2022**, to file a dispositive motion in this matter.

DATED this 23rd day of November, 2021.

AARON D. FORD
Attorney General

By: /s/Kayla D. Dorame
KAYLA D. DORAME, Bar No. 15533
Deputy Attorney General

Attorneys for Defendants

IT IS SO ORDERED.

DATED: November 24, 2021.

William G. Cobb
UNITED STATES MAGISTRATE JUDGE